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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,583	04/03/2001	Brett M. Webb	10003931-1	3716

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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ROSEN, NICHOLAS D

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/825,583

Applicant(s)

WEBB, BRETT M.

Examiner

Nicholas D. Rosen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Claims 1-20 have been examined.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 11, 2005 has been entered.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is 165 words long, exceeding the permitted length. Correction is required. See MPEP § 608.01(b).

***Claim Objections***

Claim 6 is objected to because of the following informalities: In the third line of claim 6, "the user interface" lacks antecedent basis. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-8**

Claims 1, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U.S. Patent 6,609,106) in view of Onyshkevych et al. (U.S. Patent Application Publication 2002/0138170). As per claim 1, Robertson discloses a method of gift purchasing, comprising: tracking, at a gift reminder service provider, at least one gift idea and a related event date for a user (Abstract; column 14, line 55, through column 15, line 31); generating a reminder, and electronically notifying the user prior to the event date with the reminder from the gift reminder service provider (Abstract; column 14, line 55, through column 15, line 31). Robertson does not disclose generating the reminder based on an Internet search relating to the at least one gift idea that is initiated and performed by the gift reminder service provider, but not only are Internet searches well known, but Onyshkevych teaches a search engine searching the Internet for retailers who sell a particular type of item, with the implication that the

search is initiated and performed by a service provider, without explicit instruction other than selection of a desired item by the potential purchase (paragraph 156). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate the reminder based on an Internet search relating to the at least one gift idea that is initiated and performed by the gift reminder service provider, for the obvious advantage of readily finding an appropriate merchant offering an appropriate gift item.

Robertson discloses at least one network link to a gift merchant web site that sells an appropriate gift, wherein the gift merchant web site is independent from the gift reminder service provider (column 2, lines 26-53; column 14, lines 15-31).

As per claim 6, Robertson discloses delivering the reminder to the user as an electronic mail notification from the gift reminder service provider through (by implication) a user interface (column 14, lines 15-31).

As per claim 7, Robertson discloses a network link, while the Internet search is held to be obvious based on the teaching of Onyshkevych, as set forth above regarding claim 1.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson and Onyshkevych as applied to claim 1 above, and further in view of Song (U.S. Patent 6,865,546). Robertson does not expressly disclose displaying the at least one gift idea *and* the related event date, although the "detailed information" on an HTML page of column 15, lines 15-31, should in context be read as comprising the gift idea (see Figure 7). Song additionally discloses providing reminders of the event date

(column 4, lines 39-51). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display the related event date on a web site of the gift reminder service provider, for the stated advantage of better ensuring that important events are not forgotten.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson and Onyshkevych as applied to claim 1 above, and further in view of the anonymous article "BroadVision Enables mykidsbenefit.com to Publish First-Ever Personalized Electronic Magazine," hereinafter "BroadVision." Robertson does not expressly disclose that the user will obtain, for each at least one gift idea, a listing of a plurality of network links to independent gift merchant web sites that sell gifts related to the respective at least one gift idea, but "BroadVision" teaches a virtual gift store with an event reminder service that provides gift suggestions and then connects the user to a plurality of merchant gift sites (paragraph beginning "Another integral component"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the user to obtain a listing of a plurality of independent merchant web sites that sell appropriate gifts, as recited, for the obvious advantage of aiding the user in finding at least one merchant with a suitable gift for sale at a suitable price, with the terms otherwise being to the user's satisfaction.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, Onyshkevych, and "BroadVision" as applied to claim 4 above, and further in view of official notice. Robertson does not expressly disclose displaying at the gift reminder web site a listing of gifts with each respective gift including a price, a

Art Unit: 3625

description, and a uniform resource locator address for the respective independent gift merchant site, but official notice is taken that electronic listings of products with each product having such corresponding information are well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display such a listing of gifts, for the obvious advantage of aiding the user in readily finding and ordering a gift according to his desires.

Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson and Onyshkevych as applied to claim 1 above, and further in view of official notice. As per claim 3, Robertson does not expressly use the phrase "web site" in context, but does disclose an HTML page (column 15, lines 15-31), and official notice is taken that HTML pages are commonly on web sites; Robertson further does not disclose that link is provided as a uniform resource locator for the gift merchant web site, but does disclose that the user chooses the appropriate reseller and clicks on the provided link to be transferred to a site (column 15, lines 32-35), and official notice is taken that clickable links are commonly uniform resource locators. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use a web site and a URL as recited, for the obvious advantage of accomplishing Robertson's disclosed method by technology and features well known and widely available for accomplishing that kind of thing.

As per claim 8, Robertson does not disclose delivering the reminder to the user as a pop-up window, but official notice is taken that pop-up windows are well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention to deliver the reminder to the user as a pop-up window as recited, for the obvious advantage of making the reminder conveniently available to the user in a manner which would be likely to capture his attention.

#### **Claims 9-14**

Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U.S. Patent 6,609,106) in view of Onyshkevych et al. (U.S. Patent Application Publication 2002/0138170) and Song (U.S. Patent 6,865,546). As per claim 9, Robertson discloses computer-based gift purchasing system, comprising: a user interface of a purchaser including a mechanism for entering at least one gift idea and a related event data (Figure 1; column 14, line 55, through column 15, line 31); at least one network-based reminder service provider including: a notification mechanism configured to generate a notification viewable on the user interface with the notification listing at least one gift idea, the notification including at least one activatable network link to a gift merchant web site (column 14, line 55, through column 15, line 35 [even if the e-mail does not comprise such an activatable link, it leads to an HTML page which can be considered a notification, and does]); and a network communication link enabling communication between the user interface, the reminder service provider, and the gift merchant web site (Figure 1; column 14, line 55, through column 15, line 35). Robertson does not disclose an Internet search function to initiate and perform an Internet search to identify at least one gift merchant web site selling a gift relating to the respective at least one gift idea wherein the gift merchant web site is independent from



the at least one network-based reminder service provider, but not only are Internet searches well known, but Onyshkevych teaches a search engine searching the Internet for retailers who sell a particular type of item, with the implication that the search is initiated and performed by a service provider, without explicit instruction other than selection of a desired item by the potential purchase (paragraph 156). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include a mechanism including an Internet search function, as recited, for the obvious advantage of readily finding an appropriate merchant offering an appropriate gift item.

Robertson does not expressly disclose including the related event date, but Song additionally discloses providing reminders of the event date (column 4, lines 39-51). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display the related event date on a web site of the gift reminder service provider, for the stated advantage of better ensuring that important events are not forgotten.

As per claim 14, Robertson discloses a gift registry database of the gift reminder service provider; and an event data database and calendar system of the gift reminder service provider (column 12, lines 26-34; column 14, line 55, through column 15, line 14).

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, Onyshkevych, and Song as applied to claim 9 above, and further in view of "BroadVision." As set forth above in the rejection of claim 4, "BroadVision"

teaches connecting a user to a plurality of gift sites; claims 11 and 12 are rejected on the same basis as claim 4.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, Onyshkevych, Song, and "BroadVision" as applied to claim 12 above, and further in view of official notice. Claim 13 is essentially parallel to claim 5, and rejected on similar grounds.

#### **Claims 15-17**

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U.S. Patent 6,609,106) in view of Onyshkevych et al. (U.S. Patent Application Publication 2002/0138170) and Song (U.S. Patent 6,865,546). As per claim 15, claim 15 is held to be obvious for essentially the same reasons, and on the same citations, as claim 9, as set forth above.

As per claim 16, Robertson discloses an e-mail message (column 15, lines 15-17).

Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson, Onyshkevych, and Song as applied to claim 15 above, and further in view of official notice. The uniform resource locator link of claim 17 is held to be obvious in view of official notice as set forth above with regard to claim 3; insofar as Robertson, Onyshkevych, and Song are not explicit about the various items of data included in the message, official notice is taken that these data are well known, making their inclusion obvious to one of ordinary skill in the art of electronic commerce at the time of

applicant's invention, for the obvious advantage of aiding the user in readily finding and ordering a gift according to his desires.

Moreover, the particular information included in a text message is held to be non-functional descriptive material, which is not a basis for patentability.

### **Claim 18**

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U.S. Patent 6,609,106) in view of official notice. Robertson discloses a method of gift purchasing, comprising: tracking gift ideas and related event dates for a user (Abstract; column 14, line 55, through column 15, line 31); and notifying the user at a point in time prior to the event data with an electronic reminder from the gift reminder service provider with the reminder including a network link to a web site of the gift reminder service provider for doing business with a gift merchant web site selling an appropriate gift, the gift merchant web site independent of the gift reminder service provider (Abstract; column 14, line 55, through column 15, line 43). Arguably, Robertson does not expressly disclose accessing at least one activatable link to the gift merchant *from the electronic mail reminder*, but official notice is taken that activatable links, and in particular, links in e-mail, are well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include a network link for accessing at least one activatable link to the gift merchant, for the obvious advantage of enabling the user to easily connect to the desired or recommended merchant site.

**Claim 19**

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U.S. Patent 6,609,106) in view of Onyshkevych et al. (U.S. Patent Application Publication 2002/0138170), Song (U.S. Patent 6,865,546), "BroadVision," and official notice. Robertson discloses a method of gift purchasing, comprising: generating an electronic reminder notification, via a gift reminder service provider, of at least one related gift idea for a gift recipient; sending the electronic reminder notification to a user prior to the at least one event date, with the notification including a network link leading to access to a plurality of gift merchant sites (in that a user may choose the preferred reseller or an alternate reseller) (Abstract; column 14, line 55, through column 15, line 31). Robertson does not disclose identifying the plurality of gift merchant websites in an internet-based search relating to the at least one related gift idea initiated and performed by the gift reminder service provider, but not only are Internet searches well known, but Onyshkevych teaches a search engine searching the Internet for retailers who sell a particular type of item, with the implication that the search is initiated and performed by a service provider, without explicit instruction other than selection of a desired item by the potential purchase (paragraph 156). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to identify the merchant web sites based on an Internet search relating to the at least one gift idea that is initiated and performed by the gift reminder service provider, for the obvious advantage of readily finding an appropriate merchant offering an appropriate gift item.

Robertson does not expressly disclose a link to a plurality of gift merchant web sites, but "BroadVision" teaches connecting a user to a plurality of gift merchants (paragraph beginning "Another integral component"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the user to obtain a link to a plurality of independent merchant web sites that sell appropriate gifts, as recited, for the obvious advantage of aiding the user in finding at least one merchant with a suitable gift for sale at a suitable price, with the terms otherwise being to the user's satisfaction.

Robertson does not expressly disclose generating a notification including at least one event date, but Song discloses providing reminders of the event date (column 4, lines 39-51). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate notification the related event date, for the stated advantage of better ensuring that important events are not forgotten.

Robertson does not disclose accessing the gift merchant web sites directly from the notification independent of the gift reminder service provider, but official notice is taken that it is well known for e-mails to contain URL's by which web sites can be accessed directly. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to access the gift merchant web sites directly from the notification independent of the gift reminder service provider, for the obvious advantage of quickly connecting to the merchant websites.

Given the teaching of connecting the user to merchant sites (in "BroadVision"), receiving a purchase request from the user for the at least one gift via user-activation of the network link to the gift merchant web site is held to have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention, for the obvious advantage of enabling users to make their purchases, without which the connecting of "BroadVision" would appear rather pointless.

#### **Claim 20**

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U.S. Patent 6,609,106) in view of Onyshkevych et al. (U.S. Patent Application Publication 2002/0138170). Claim 20 is largely parallel to claim 1, and given a computer system performing the method of claim 1, appropriate instructions for causing it to do so are held to be obvious, as necessary to enable the computer to carry out its disclosed functions.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tobin (U.S. Patent 6,141,666) discloses a method and system for customizing marketing services on networks. Barnett et al. (U.S. Patent 6,369,840)

disclose multi-layered on-line calendaring and purchasing. Hammons et al. (U.S. Patent 6,477,509) disclose an Internet marketing method and system.

Simpson (U.S. Patent Application Publication 2002/0019776) discloses a personalized greeting card with electronic storage media and method of personalizing the same. Knorr et al. (U.S. Patent Application Publication 2002/0077929) disclose an event driven shopping method utilizing electronic e-commerce order pending. OToole (U.S. Patent Application Publication 2002/0178078) discloses a system and method for retaining clients by automated services fulfillment.

Bunyan et al. (UK Patent Application 2,352,307 A) disclose a computer system for automatically tracking transactions.

The anonymous article, "PlanetAll Plans to Make a World of Difference in Busy Lives," discloses reminding users of special occasions and linking them to a virtual mall. The anonymous article, "iVillage Co-Founder Robert Levitan Launches E-Commerce Site Flooz.com," discloses, inter alia, an e-mail reminder service for gift-giving occasions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Nicholas D. Rosen*

**NICHOLAS D. ROSEN  
PRIMARY EXAMINER**

May 12, 2005